

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

The JAY PETER KAUFMAN
REVOCABLE TRUST, On behalf of Itself
and All Others Similarly Situated,

Plaintiff,

vs.

NEW CENTURY FINANCIAL
CORPORATION, BRAD A. MORRICE,
ROBERT K. COLE, MARYLIN A.
ALEXANDER, HAROLD A. BLACK,
FREDRIC J. FORSTER, EDWARD F.
GOTSCHALL, DONALD E. LANGE,
MICHAEL M. SACHS, RICHARD A.
ZONA, PATTI M. DODGE, WILLIAM J.
POPEJOY, BEAR STEARNS & CO., INC.,
STIFEL NICOLAUS & COMPANY,
INCORPORATED, DEUTSCHE BANC
SECURITIES, INC., JMP SECURITIES
LLC, PIPER JAFFRAY & COMPANY, and
ROTH CAPITAL PARTNERS LLC,

Defendants.

Case No. 07-CV-2902 (SHS)

(captions continued on the subsequent page)

**DECLARATION OF GERALD H. SILK IN SUPPORT OF THE MOTION
OF THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM
TO TRANSFER VENUE AND IN OPPOSITION TO THE
MOTION OF THE JAY PETER KAUFMAN REVOCABLE
TRUST FOR APPOINTMENT AS LEAD PLAINTIFF**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

The JAY PETER KAUFMAN
REVOCABLE TRUST, On behalf of Itself
and All Others Similarly Situated,

Plaintiff,

vs.

NEW CENTURY FINANCIAL
CORPORATION, BRAD A. MORRICE,
ROBERT K. COLE, MARYLIN A.
ALEXANDER, HAROLD A. BLACK,
FREDRIC J. FORSTER, EDWARD F.
GOTSCHALL, DONALD E. LANGE,
MICHAEL M. SACHS, RICHARD A.
ZONA, PATTI M. DODGE, DAVID
EINHORN, BEAR, STEARNS & CO.,
INC., MORGAN STANLEY & CO., INC.,
STIFEL NICOLAUS & COMPANY,
INCORPORATED, and JEFFRIES &
COMPANY, INC.,

Defendants.

Case No. 07-CV-2903 (GBD)

I, Gerald H. Silk, declare as follows:

1. I am a member in good standing of the bars of the State of New York and of this Court. I am a partner in the law firm of Bernstein Litowitz Berger & Grossmann LLP. I submit this declaration in support of the Motion filed by the New York State Teachers' Retirement System ("NYS Teachers") to transfer venue, pursuant to 28 U.S.C. § 1404, and in opposition to the Motion of The Jay Peter Kaufman Revocable Trust ("Kaufman") for appointment as lead plaintiff and for appointment of Kaufman's counsel, Milberg Weiss & Bershad LLP, as lead counsel.

2. Attached as Exhibits A through H are true and correct copies of the following documents:

- Exhibit A: Memorandum of Law in Support of the Motion of New York State Teachers' Retirement System for Appointment as Lead Plaintiff, Approval of its Selection of Lead Counsel, and Consolidation of All Related Actions;
- Exhibit B: Memorandum of Law in Further Support of the Motion of New York State Teachers' Retirement System for Appointment as Lead Plaintiff and in Opposition to All Other Motions;
- Exhibit C: Notices of the Pendency of Class Actions in the Central District of California;
- Exhibit D: The Docket in *Avi Gold v. Brad A. Morrice, et al.*, No. 2:07-Cv-00931 (C.D. Cal.) as of the date of this filing;
- Exhibit E: The Complaint in *Avi Gold v. Brad A. Morrice, et al.* (C.D. Cal.), which asserts claims on behalf of purchasers of "New Century Financial securities;"
- Exhibit F: The Complaint in *Abramcyk Real Estate Company, Inc. v. New Century Financial Corp., et al.* (C.D. Cal), which asserts claims on behalf of "investors who purchased New Century Financial securities, including its common stock, preferred stock, and call options, or who wrote put options;"
- Exhibit G: The Complaint in *William Kornfeld, Jr., v. Robert K. Cole, et al.* (C.D. Cal.), which asserts claims on behalf of "purchasers of New Century Financial Corp. . . . Series A Preferred shares and or Series B Preferred shares;"

Exhibit H: The Complaint in *Joe Verne v. New Century Financial Corp., et al.* (C.D. Cal), which asserts claims on behalf of “all persons who purchased or otherwise acquired the Series B Cumulative Redeemable Preferred Stock (‘Series B Preferred Stock’) of New Century Financial Corporation;”

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Executed this 24th day of April, 2007.

/s/ Gerald H. Silk
Gerald H. Silk